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TITLE 7—AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

[SR—B-201—Pulaski County, Ark.]

1938 PULASKI COUNTY, ARKANSAS, AGRICULTURAL CONSERVATION PROGRAM SOUTHERN REGION BULLETIN 201

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Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1938, payments and grants of aid will be made for participation in the 1938 Pulaski Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Pulaski Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amount of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation. The rates of payments and deductions specified herein are subject to an increase or decrease of not more than 10 percent, depending upon the extent of participation in the Pulaski County Program and the final estimate of payments which would be made in Pulaski County under the 1938 Agricultural Conservation Program.

The provisions of the 1938 Pulaski Program are not applicable in the Southern Region to (1) counties other than Pulaski County and (2) land owned by the United States and administered

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by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

SECTION I. Farm acreage allotments and goals.—The county committee, with the assistance of other local committees in the county, shall determine cotton acreage allotments and soil-building practice goals, in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The cotton soil-depleting acreage allotments determined for farms in the county shall not exceed the county cotton acreage allotment¹ established for the county by the Agricultural Adjustment Administration; and the sum of the cotton acreage allotments for farms furnishing required forms and information shall not exceed their proportionate share of the county cotton acreage allotment.

A. Cotton allotment.—1. The county cotton acreage allotment shall be apportioned among the farms in the county on which cotton was planted in any one of the years, 1935, 1936, and 1937, in a manner that will result in a cotton acreage allotment for each such farm which is a percentage (which shall be the same percentage for all farms in the administrative area²) of the land in the farm in 1937 which was tilled annually or in regular rotation exclusive

¹ The county cotton acreage allotment established in accordance with item 2, subsection A, section II of the 1938 Agricultural Conservation Program Bulletin, as amended, shall be apportioned pro rata among the two administrative areas (established by the Agricultural Adjustment Administration because of differences in the types, kinds, and productivity of the soil, or other conditions) on the basis of the acreage planted to cotton in 1937 plus the acreage diverted from the production of cotton under the 1937 Agricultural Conservation Program.

of the acres of such land normally devoted to the production of wheat for market or for feeding to livestock for market except that—

(a) For any farm on which cotton was planted in any one of the years 1935, 1936, and 1937, and on which the highest acreage planted to cotton and diverted from the production of cotton in any one of these three years was less than five acres, the cotton acreage allotment for the farm shall be such highest number of acres, if the county cotton acreage allotment is sufficient therefor;

(b) For any farm on which cotton was planted in any one of the years 1935, 1936, and 1937, and on which the highest number of acres planted to cotton and diverted from the production of cotton in any one of these three years was five acres or more, the allotment for the farm shall not be less than five acres, if the county cotton acreage allotment is sufficient therefor;

(c) Notwithstanding the foregoing provisions of item 1 of this subsection A, a number of acres equal to not more than 3 percent of the county acreage allotment in excess of the allotments made to farms on which the highest number of acres planted to cotton plus the acres diverted from the production of cotton in any of the years 1935, 1936, and 1937, was five acres or less and the number of acres required for allotments of five acres for each other farm in the county on which cotton was planted in 1935, 1936, or 1937 may be apportioned among farms in the county on which cotton was planted in 1935, 1936, or 1937 and for which the allotment otherwise provided is five acres or more but less than 15 acres and less than the highest number of acres planted to cotton and diverted from the production of cotton in any one of the years 1935, 1936, and 1937.

In making such allotments under clause (c) in the preceding sentence consideration shall be given to the land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other facilities affecting the production of cotton, and such increases shall not be such as to increase the allotment to any farm above 15 acres. In no event shall the allotment for any farm under this subsection A 1 exceed the highest number of acres planted to cotton and diverted from the production of cotton in any one of the three years 1935, 1936, and 1937.

2. In case the county allotment is insufficient to provide allotments to farms in the county, which are determined, under instructions issued by the Agricultural Adjustment Administration, to be adequate and representative in view of their past production of cotton and their tilled lands, there shall be apportioned to such farms, under instructions issued by the Agricultural Adjustment Administration, such part of a State

reserve equal to 4 percent of the State acreage allotment as is necessary to give such farms allotments in conformity with subsection A 1 which are as nearly adequate and representative as such 4-percent reserve will permit. Such additional allotment shall be used first to increase allotments to farms under clauses (a) and (b) of subsection A 1.

3. Notwithstanding the provisions of subsection A 1 above the cotton acreage allotment for any farm shall be increased by such amount as may be necessary to provide an allotment of not less than 50 percent of the sum of the acreage as determined by the county committee under instructions issued by the Agricultural Adjustment Administration to have been planted in cotton in 1937 and the acreage diverted from cotton production in 1937 under the agricultural conservation program, provided that the cotton acreage allotment for any farm shall not be increased under this paragraph to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

4. That portion of the State acreage allotment (not to exceed 2 percent of the State acreage allotment) not apportioned among the counties shall be apportioned to farms in the State on which cotton will be planted in 1938 but on which cotton was not planted in any of the years 1935, 1936, and 1937, so as to result in comparable allotments to farms similar with respect to land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other physical facilities affecting the production of cotton. The county committee shall report, through the State committee, to the Agricultural Adjustment Administration the acreage required for the allotments to such farms in the county together with such substantiating data as may be required by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall allot to the county the proportion of that part of the State acreage allotment reserved for this purpose which it finds reasonable on the basis of the data so reported.

B. Soil-building goals.—

1. **Soil-building goals on class A farms located in the administrative area designated as "bottom land."**—The soil-building goal shall be a number of units of soil-building practices equal to 65 percent of the number of acres in the cotton acreage allotment established for the farm.

2. **Soil-building goals on class A farms located in the administrative area designated as "hill land."**—The soil-building goal shall be a number of units of soil-building practices equal to 150 percent of the number of acres in the cotton acreage allotment established for the farm.

3. **Soil-building goals on class B farms.**—The soil-building goal shall be a number of units of soil-building prac-

tices equal to 50 percent of the number of acres of cropland in the farm.

C. Posting of acreage allotments.—All acreage allotments established for farms in the county shall be posted or kept freely available for public inspection in the office of the county agricultural extension agent.

SECTION II. Payment for full performance.—Payment will be made with respect to any farm for not exceeding the cotton acreage allotment and for achieving the soil-building goal in the following amount:

A. Payment on class A farms located in the administrative area designated as "bottom land."—2.7 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton acreage allotment.

B. Payment on class A farms located in the administrative area designated as "hill land."—3.6 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton acreage allotment.

C. Payment on class B farms receiving a cotton acreage allotment.—\$1.00 per acre of cropland in the farm.

D. Payment on class B farms receiving no cotton acreage allotment.—70 cents per acre of cropland in the farm.

E. Payment on any farm receiving a cotton acreage allotment.—Notwithstanding the foregoing provisions of this section II, if the acreage planted to cotton on any farm is less than 80 percent of the cotton acreage allotment for the farm, and the county committee finds that the failure to plant 80 percent of such cotton acreage allotment was not due to flood or drought, the payment for the farm will be computed with respect to 125 percent of the acreage planted to cotton. The acreage planted to cotton shall be deemed to be that acreage on which the cotton crop reaches the stage of growth at which bolls are first formed.

SECTION III. Payments for partial performance.—Payments computed for any farm under the provisions of section II shall be subject to all of the following deductions which are applicable to the farm.

A. Deductions for excess acreage of cotton.—6 cents per pound of the normal yield per acre for the farm for each acre of cotton in excess of the cotton acreage allotment (see subsection E, section IX for a special provision regarding excess cotton acreage).

B. Deductions for failure to carry out soil-building practices.—\$2.00 for each unit on any farm by which the soil-building goal is not reached.

SECTION IV. Division of payments and deductions.—

A. Payments and deductions in connection with cotton acreage allotments.—The net payment or net deduction computed for any farm with respect to the cotton acreage allotment shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are entitled, at the time the crop is harvested, to share in the proceeds (other than a fixed commodity payment) of the cotton grown on the farm in 1938.

In the event that cotton is not harvested in 1938 on the farm or in the event the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, finds that due to crop failure the acreage of cotton was reduced sufficiently to affect materially the division of payments or deductions the net payment or net deduction, if any, with respect to the cotton acreage allotment shall be divided among the landlords, tenants, and sharecroppers in the same proportion that the county committee determines that such persons would have shared in the proceeds of the cotton crop had cotton been harvested on the farm in 1938 or the cotton acreage had not been so reduced.

B. Deductions with respect to soil-building practices on class A farms.—The net deductions for any farm with respect to failure to meet the soil-building goal shall be divided among the landlords, tenants, and sharecroppers in the same proportion that such persons are entitled to share in the proceeds of the cotton crop as indicated under the division of payments in subsection A of this section IV.

C. Payments with respect to soil-building practices on class B farms.—The amount of payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices on the farm in 1938, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in 1938. Each person contributing to the practice carried out on a particular acreage shall be deemed to have contributed equally to the units of such practice; provided, that if the persons who carried out the practice establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, such units shall be divided in the proportion which the county committee determines each person contributed thereto.

D. Proration of net deductions.—If, with respect to any farm, the sum of the net payments computed for all persons on the farm exceeds the sum of the net deductions computed for all persons on the farm, the net deduction computed for any person on the farm shall be prorated among the other persons on the farm for whom a net payment is computed in the proportion in which the net payment computed for any person is of the sum of the net payments computed for all persons on the farm. If, with respect to any farm, the sum of the net deductions computed for all persons on the farm equals or exceeds the sum of the net payments computed for all persons on the farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of such net payments shall be prorated among the persons on the farm in the proportion which the net deduction computed for any person is of the sum of the net deductions computed for all persons on the farm, except that the amount of such net deductions in excess of such net payments for any Class B farm for which no cotton acreage allotment is established shall be disregarded.

SECTION V. Increase in small payments.—The total payment computed under sections II to IV, inclusive, for any person with respect to any farm shall be increased as follows:

1. Any payment amounting to 71 cents or less shall be increased to \$1.00;
2. Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
3. Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed | Increase in payment | Amount of payment computed | Increase in payment

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99	\$0.40	\$32.00 to \$32.99	\$10.40
\$2.00 to \$2.99	.80	\$33.00 to \$33.99	10.80
\$3.00 to \$3.99	1.20	\$34.00 to \$34.99	11.20
\$4.00 to \$4.99	1.60	\$35.00 to \$35.99	11.60
\$5.00 to \$5.99	2.00	\$36.00 to \$36.99	12.00
\$6.00 to \$6.99	2.40	\$37.00 to \$37.99	12.40
\$7.00 to \$7.99	2.80	\$38.00 to \$38.99	12.80
\$8.00 to \$8.99	3.20	\$39.00 to \$39.99	13.20
\$9.00 to \$9.99	3.60	\$40.00 to \$40.99	13.60
\$10.00 to \$10.99	4.00	\$41.00 to \$41.99	14.00
\$11.00 to \$11.99	4.40	\$42.00 to \$42.99	14.40
\$12.00 to \$12.99	4.80	\$43.00 to \$43.99	14.80
\$13.00 to \$13.99	5.20	\$44.00 to \$44.99	15.20
\$14.00 to \$14.99	5.60	\$45.00 to \$45.99	15.60
\$15.00 to \$15.99	6.00	\$46.00 to \$46.99	16.00
\$16.00 to \$16.99	6.40	\$47.00 to \$47.99	16.40
\$17.00 to \$17.99	6.80	\$48.00 to \$48.99	16.80
\$18.00 to \$18.99	7.20	\$49.00 to \$49.99	17.20
\$19.00 to \$19.99	7.60	\$50.00 to \$50.99	17.60
\$20.00 to \$20.99	8.00	\$51.00 to \$51.99	18.00
\$21.00 to \$21.99	8.40	\$52.00 to \$52.99	18.40
\$22.00 to \$22.99	8.80	\$53.00 to \$53.99	18.80
\$23.00 to \$23.99	9.20	\$54.00 to \$54.99	19.20
\$24.00 to \$24.99	9.60	\$55.00 to \$55.99	19.60
\$25.00 to \$25.99	10.00	\$56.00 to \$56.99	20.00
\$26.00 to \$26.99	10.40	\$57.00 to \$57.99	20.40
\$27.00 to \$27.99	10.80	\$58.00 to \$58.99	20.80
\$28.00 to \$28.99	11.20	\$59.00 to \$59.99	21.20
\$29.00 to \$29.99	11.60	\$60.00 to \$60.99	21.60
\$30.00 to \$30.99	12.00	\$61.00 to \$61.99	22.00
\$31.00 to \$31.99	12.40	\$62.00 and over	(7)

1 Increase to \$200.
2 No increase.

SECTION VI. Deductions incurred on other farms.—

A. Other farms in the same county.—If the deductions computed under section III with respect to any farm exceed the payment for full performance on such farm computed under section II, a landlord's or tenant's share of the amount by which such deduction exceeds such payments shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farms in the county.

B. Other farms in the State.—If the deductions computed for a landlord or

tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farms in the State, if the State committee finds that the crops grown and practices adopted on the farm with respect to which such deductions are computed substantially offset the contribution to the program made on such other farms.

SECTION VII. Deduction for association expenses.—There shall be deducted pro rata from the payments with respect to any farm in Pulaski County all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the Pulaski County Agricultural Conservation Association.

SECTION VIII. Materials furnished as grants of aid.—Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate cost of such material to the Agricultural Adjustment Administration. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment with respect to the farm on which such materials were used.

In making a request for materials pursuant to this section the producer to whom such materials are furnished shall agree that, in the event the amount of the deduction for the materials exceeds the amount of the payment with respect to the farm, the amount by which the deduction exceeds the payment shall be repaid by him to the Secretary.

SECTION IX. General provisions relating to payments.—

A. Payment restricted to effectuation of purposes of the program.—All or any part of any payment which otherwise would be made to any person under the 1938 Pulaski Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1938 or previous agricultural conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any

practice which the regional director finds is contrary to sound conservation practices. No payment shall be computed with respect to any farm which is idle in 1938.

B. Payment computed and made without regard to claims.—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deductions of claims for advances (except as provided in subsection D of this section IX), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

C. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.—1. If on any farm in 1938 any change of the arrangements which existed on the farm in 1937 is made between the landlord and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1938 Pulaski Program than would have been made to the landlord for performance on the farm under the 1937 Agricultural Conservation Program, Pulaski County, Arkansas, and the county committee certifies that the change is not justified and disapproves such change, payments to the landlord under the 1938 Pulaski Program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1937 had been continued in 1938.

2. If on any farm the number of sharecroppers or share tenants in 1938 is less than the average number on the farm during the three years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord and the county committee certifies that the reduction is not justified and disapproves such reduction, the payments to the landlord shall not be greater than the amount that would otherwise be made if the average number of tenants in such three-year period had not been reduced.

3. If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1938 Pulaski Program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1938 Pulaski Program.

D. Assignments.—Any person who may be entitled to any payment in connection with the 1938 Pulaski Program

may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing on Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration and is filed in the office of the county agricultural conservation association; (2) the farmer files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for the purpose mentioned in clause (2) above.

Nothing contained in this section IX shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled, nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

E. Excess cotton acreage.—1. Any person who makes application for payment with respect to any farm located in Pulaski County shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1938 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1938, and that cotton was not planted in excess of such allotment by his authority or with his consent.

2. Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment established for the farm for 1938 shall not be eligible for any payment under the provisions of the 1938 Pulaski Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1938 on acreage in excess of the cotton acreage allotment for the farm for 1938 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm, unless the farmer establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1938.

F. Use of soil-conserving crops for market.—No payment will be made with respect to any farms unless on such farm in 1938 an acreage not devoted to cotton, corn, small grains harvested for grain or hay, grain sorghums, sweet sorghums for sirup, soybeans harvested for seed for crushing, and truck and

vegetable crops is withheld from the production of soil-conserving crops for market equal to the acreage by which the normal acreage of cotton, corn, small grains harvested for grain or hay, grain sorghums, sweet sorghums for sirup, soybeans harvested for seed for crushing and truck and vegetable crops on such farm exceeds the acreage devoted to cotton, corn, small grains harvested for grain or hay, grain sorghums, sweet sorghums for sirup, soybeans harvested for seed for crushing, and truck and vegetable crops on the farm in 1938; provided, that payment shall not be denied any farmer for using such soil-conserving crops for market (1) if, in Pulaski County, the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows, (2) if, on such farm, the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows, or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of the foregoing paragraph if either (1) the increase above normal in the number of dairy cows on his farm does not exceed two cows, or (2) none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than 10 percent of the milk, or products thereof, produced on the farm. The county, as a whole, shall be deemed to be in substantial compliance with such provisions if the increase above normal in the number of dairy cows in the county does not exceed 10 percent.

The normal acreage of soil-depleting crops and the normal number of cows kept for the production of milk, or the products thereof, for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine from the latest available statistics of the Department and shall announce the counties in which the number of cows kept for the production of milk, or the products thereof, for market exceeds by more than 10 percent the normal number of such cows.

As used in this subsection F, the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, em-

ployees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this subsection F, the term "soil-conserving crops" means grasses and legumes grown on cropland, excluding peanuts harvested for nuts, soybeans harvested for seed for crushing, and legumes used as truck crops.

SECTION X. Application for payment.—**A. Persons eligible to file applications.**—An application for payment with respect to a farm may be made by any person for whom, under the provisions of section IV, a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2), if the farm is a class B farm, who is owner of such class B farm and participates thereon in 1938 in carrying out approved soil-building practices.

B. Time and manner of filing application and information required.—Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms by mailing the same to the office of the county committee and making copies of the same available to the press.

C. Applications for other farms.—If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in the county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee such person shall also file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

SECTION XI. Soil-building practices.—The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal to the extent indicated therein when carried out in 1938 in accordance with specifications, if any, issued by the regional director, or by the State committee with the approval of the regional director,

and when performed in a workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal Agency.

SCHEDULE OF SOIL-BUILDING PRACTICES

A. Each of the following practices in the amounts specified shall be counted as one unit, provided that when the materials specified in items 1 or 2 are applied to biennial or perennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, or Natal grass, when seeded or grown in connection with a small-grain crop, no part of the material applied shall be counted.

1. Application of 300 pounds of 16-percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.

2. Application of 500 pounds of basic slag or rock phosphate (including colloidal phosphate) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, Natal grass, or permanent pasture.

3. Construction of 200 linear feet of standard terrace for which proper outlets are provided.

4. Reseeding depleted pastures with good seed of adapted pasture grasses or legumes—10 pounds of seed.

5. Contour ridging of noncrop open pasture land—750 linear feet of ridge or terrace.

6. Application of not less than two tons, air dry weight, of straw or equivalent mulching materials, excluding barnyard and stable manure, per acre in commercial orchards or on commercial vegetable land.

7. Application of 1500 pounds of ground limestone or its equivalent.

B. Each acre of the following shall be counted as one unit:

8. Seeding annual legumes alone, biennial legumes, perennial legumes, per-

ennial grasses, or mixtures containing perennial grasses, perennial legumes, or biennial legumes (except permanent pasture mixtures qualifying under practice number 10).

9. Green manure crops and cover crops (excluding lespedeza, peanuts hogged off, and any crop for which credit is given in 1938 under any other practice) of which a good stand and good growth is (1) plowed or disced under on land not subject to erosion, or, if subject to erosion, such crop is followed by a winter cover crop, or (2) left on the land as a temporary mulch in orchards or on commercial vegetable or Irish potato land, or on cropland in a regular cropping rotation.

C. Each acre of the following shall be counted as two units:

10. Seeding permanent pasture mixtures containing a full seeding of legumes or grasses, or both, other than timothy and redtop.

11. Cultivating, protecting, and maintaining by replanting, if necessary, a good stand of forest trees, planted between January 1, 1934 and January 1, 1938.

12. Establishment of permanent vegetative cover by planting sod pieces of perennial grasses.

D. Each acre of the following shall be counted as five units:

13. Planting forest trees (including shrubs in protective plantings) provided such trees are protected and cultivated in accordance with good tree culture practice.

E. Each two acres of the following shall be counted as one unit:

14. Summer legumes (excluding peanuts and summer legumes used as truck crops interplanted or grown in combination with row crops such as corn, sorghums, and cotton, provided a good stand and a good growth is left on the land or turned under, and provided further that the summer legume occupies at least one-third of the land.

F. Each four acres of the following shall be counted as one unit:

15. Contour listing or furrowing non-crop land.

16. Stripcropping other than for protection of summer-fallowed acreage.

SECTION XII. Normal cotton yields.—The county committee, with the assistance of other local committees in the county, in accordance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration, shall determine a normal yield per acre for each farm for which a cotton allotment will be established.

1. Where reliable records of the actual average yield of cotton per acre for the years 1933 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields, adjusted for abnormal weather condi-

tions in accordance with instructions issued by the Agricultural Adjustment Administration.

2. If for any year of such five-year period records of the actual average yield per acre are not available or there was no actual yield because cotton was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such five-year period.

3. The yields determined under paragraph 2 of this section shall be adjusted so that the average of the normal yields determined for all farms in the county or administrative area (weighted by the cotton acreage allotments established for such farms) shall conform to the county (or administrative area) average yield established by the Secretary.

SECTION XIII. Appeals.—Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any farm in which he has an interest, within 15 days after notice thereof is forwarded to or available to him, may request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters:

1. Eligibility to file an application for payment;

2. Any cotton acreage allotment or soil-building goal;

3. The division of payment; or

4. Any other matter affecting the right to or the amount of his payment with respect to the farm.

The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may appeal in writing to the State committee within 15 days after such decision is forwarded to or made available to him. The State committee shall inform such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may request the regional director to review the decision of the State committee within 15 days after such decision is forwarded to or made available to him.

SECTION XIV. Bulletins, instructions, and forms.—The Agricultural Adjustment Administration shall prepare and issue such bulletins, instructions, and forms as may be required in administering the 1938 Pulaski Program.

SECTION XV. Definitions.—For the purposes of the 1938 Pulaski Program:

Secretary means the Secretary of Agriculture of the United States.

Regional Director or Director of the Southern Division means the director of the Southern Division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program in the Southern Region.

Southern Region means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

State Committee means the group of persons designated within the State to assist in the administration of the 1938 Agricultural Conservation Program.

County Committee means the group of persons elected within the county to assist in the administration of the 1938 Pulaski Program.

Person means an individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

Landlord means a person who owns land and rents such land to another person, or operates such land.

Tenant means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

Sharecropper means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

Farm means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with work-stock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, which request and agreement shall be applicable to the designation of the land included in such farm both under the 1938 Pulaski Program and under the provisions of the Agricultural Adjustment Act of 1938; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops;

provided, that land not under the same ownership shall be included in the same farm only if the county committee determines that all of such land is customarily regarded in the community as constituting one farm. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

Class A Farms are farms for which a cotton acreage allotment of 5 acres or more is made.

Class B Farms means all farms which are not class A farms.

Cropland means farm land which is tilled annually or in a regular rotation, including commercial orchards and any other land which has been planted since January 1, 1930, to permanent pasture or forest trees and which was classified as cropland under the 1937 Agricultural Conservation Program, Pulaski County, Arkansas, and including also land planted to non-commercial orchards other than abandoned orchards.

1938 Pulaski Program means the 1938 Pulaski County, Arkansas, Agricultural Conservation Program.

Cotton means cotton the staple of which is normally less than 1½ inches in length.

Done at Washington, D. C., this 14th day of June, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1690; Filed, June 14, 1938;
12:43 p. m.]

**TITLE 16—COMPETITIVE PRACTICES
FEDERAL TRADE COMMISSION
United States of America—Before
Federal Trade Commission**

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3203]

IN THE MATTER OF JOY PACKAGE COMPANY,
INC. A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, testimony and other evidence taken before Miles J. Furnas, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said com-

plaint, and in opposition thereto, briefs filed herein (oral argument not having been requested), and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is now ordered, That the respondent, Joy Package Company, Inc., a corporation, its officers, representatives, agents and employees, in connection with the offering for sale, sale and distribution of candy in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

(1) Selling and distributing to dealers, candies so packed and assembled that sales of such candy to the general public are to be made, or may be made, by means of a lottery, gaming device or gift enterprise.

(2) Supplying to or placing in the hands of dealers assortments of candy which are used, or which may be used, without alteration or rearrangement of the contents of such packages or assortments, to conduct a lottery, gaming device or gift enterprise in the sale and distribution of candy contained in said assortments to the public.

(3) Packing or assembling in the same assortment of candy for sale to the public at retail, individually wrapped pieces of candy of uniform size and shape with different colored centers, together with other articles of merchandise, which said articles of merchandise are to be given as prizes to the purchasers procuring pieces of candy of a particular color.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1680; Filed, June 13, 1938;
1:40 p. m.]

**TITLE 31—MONEY AND FINANCE,
TREASURY**

ACCOUNTS AND DEPOSITS

[1938—9th Supp. to Dept. Circ. No. 92 (Rev.)]
SPECIAL DEPOSITS OF PUBLIC MONEYS
UNDER THE ACT OF CONGRESS APPROVED
SEPTEMBER 24, 1917 AS AMENDED

JUNE 9, 1938.

To Federal Reserve Banks and Other Banks and Trust Companies, Incorporated Under the Laws of the United States or of Any State:

Treasury Department Circular No. 92, dated February 23, 1932, as amended, is hereby further amended to include obligations of the Federal National Mortgage Association. Paragraph 11, therefore, under the caption "Collateral Security" will read as follows:

"11. Federal Land Bank Bonds, Obligations of the Federal Home Loan Banks, and Obligations of the Federal National Mortgage Association.—Bonds of the Federal Land Banks, obligations of the Federal Home Loan Banks, and obligations of the Federal National Mortgage Association; all at face value."

[SEAL]

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 38-1689; Filed, June 14, 1938;
10:01 a. m.]

[1938—10th Supp. to Dept. Circ. No. 176]

REGULATIONS GOVERNING DEPOSIT OF PUBLIC MONEYS AND PAYMENT OF GOVERNMENT CHECKS AND WARRANTS

JUNE 9, 1938.

To the Treasurer of the United States, Federal Reserve Banks and Branches, Member Bank Depositories, Special Depositories of Public Moneys, Collectors of Internal Revenue, Collectors of Customs, Receivers of Public Moneys, Marshals and Clerks of Court, All Other Officers or Agents of the United States Engaged in Collecting, Depositing, or Transmitting Public Moneys, and Others Concerned:

Treasury Department Circular No. 176, dated September 2, 1930, as amended, is hereby further amended so that subsection (b) of section 28 will read as follows:

"(b) Bonds of the Federal Land Banks, obligations of the Federal Home Loan Banks, obligations of the Federal National Mortgage Association, bonds of Puerto Rico and bonds and certificates of indebtedness of the Philippine Islands; all at face value."

[SEAL]

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 38-1688; Filed, June 14, 1938;
10:01 a. m.]

OFFICE OF THE SECRETARY

[Misc. T. D. 3]

DESIGNATION OF FEDERAL NATIONAL MORTGAGE ASSOCIATION SECURITIES FOR EXEMPTION UNDER SECURITIES EXCHANGE ACT OF 1934

JUNE 10, 1938.

SECURITIES AND EXCHANGE COMMISSION,
1778 Pennsylvania Avenue, NW.,
Washington, D. C.

GENTLEMEN: Paragraph 12 of Section 3 (a) of the Securities Exchange Act of 1934 provides in part that the term "exempted security" or "exempted securities" as used in such act shall include "such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors."

¹ 2 F. R. 2293 (DI).

In accordance with the provisions of this paragraph, I am designating for exemption securities issued by the Federal National Mortgage Association under the authority of section 302 of the National Housing Act, as amended. This designation for exemption may be revoked, modified, or amended at any time with respect to securities not issued prior to such time.

Very truly yours,
[SEAL] WAYNE C. TAYLOR,
Acting Secretary of the Treasury.
[F. R. Doc. 38-1687; Filed, June 14, 1938;
10:01 a. m.]

Notices

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3092]

IN THE MATTER OF SCIENTIFIC APPARATUS MAKERS OF AMERICA, A CORPORATION, ITS OFFICERS AND DIRECTORS, AND CERTAIN OF ITS MEMBERS, SEPARATELY AND AS REPRESENTATIVE OF CERTAIN OTHERS OF ITS MEMBERS; CARL S. HALLAUER, R. E. GILLMOR, JOHN M. ROBERTS, KARL L. KELLER, INDIVIDUALLY, AS OFFICERS AND DIRECTORS OF AND AS REPRESENTATIVES OF OTHER OFFICERS AND DIRECTORS OF, SCIENTIFIC APPARATUS MAKERS OF AMERICA; SURVEYING-DRAFTING-COATERS SECTION OF THE SCIENTIFIC APPARATUS MAKERS OF AMERICA, AN ASSOCIATION, ITS OFFICERS AND CERTAIN MEMBERS, SEPARATELY AND AS REPRESENTATIVES OF THE OTHER MEMBERS; ARTHUR L. PARKER, MANAGER, PAUL J. BRUNING, CHAIRMAN EXECUTIVE COMMITTEE, KARL J. KELLER, MEMBER EXECUTIVE COMMITTEE, W. A. BERGER, MEMBER EXECUTIVE COMMITTEE, R. FRED ALLIN, INDIVIDUALLY AND AS MANAGER, CHAIRMAN AND MEMBERS OF THE EXECUTIVE COMMITTEE FOR THE SURVEYING-DRAFTING-COATERS SECTION OF THE SCIENTIFIC APPARATUS MAKERS OF AMERICA; CHARLES BRUNING COMPANY, INC., A CORPORATION; THE HUEY COMPANY, A CORPORATION; THE FREDERICK POST COMPANY, A CORPORATION; EUGENE DIETZEN COMPANY, A CORPORATION; ECONOMY BLUE PRINT PRODUCTS, INC., A CORPORATION; KEUFFEL & ESSER COMPANY, A CORPORATION; ALPHONSE A. BRUNNER, TRADING AS KEYSTONE BLUE PAPER COMPANY, THE C. F. PEASE COMPANY, A CORPORATION; CHAS. W. SPEIDEL & COMPANY, A CORPORATION; UNITED STATES BLUE PRINT PAPER COMPANY, A CORPORATION; JACOB H. WEIL, EDWIN H. WEIL AND MANFRED R. KRAUSKOPF, TRADING AS J. H. WEIL & COMPANY SEPA-

RATELY AND AS MEMBERS, AND REPRESENTATIVES OF THE OTHER MEMBERS, OF THE SURVEYING-DRAFTING-COATERS SECTION OF THE SCIENTIFIC APPARATUS MAKERS OF AMERICA

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, June 21, 1938, at nine o'clock in the forenoon of that day (eastern standard time), in Room 500 at 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1685; Filed, June 13, 1938;
1:43 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3340]

IN THE MATTER OF CALLIE E. MORRIS, AN INDIVIDUAL DOING BUSINESS UNDER THE TRADE NAME OF CONTROL PRODUCTS COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, June 17, 1938, at nine o'clock in the forenoon of that day (eastern standard time), in room 500, 45 Broadway, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1681; Filed, June 13, 1938;
1:41 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3363]

IN THE MATTER OF ZONITE PRODUCTS CORPORATION (LARVEX DIVISION) A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, June 21, 1938, at one o'clock in the afternoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1682; Filed, June 13, 1938;
1:41 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3380]

IN THE MATTER OF GOLD MEDAL FARMS, INC., A CORPORATION, JOSEPH FROMM, AND PAUL STEFFIN, INDIVIDUALS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, June 28, 1938, at ten o'clock in the forenoon of that day (eastern standard time), in Room 299E, Postoffice Building, Syracuse, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1683; Filed, June 13, 1938;
1:42 p. m.]

United States of America—Before
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of June, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3392]

IN THE MATTER OF PETER SANDERS, HARRY SANDERS AND SAMUEL SANDERS, INDIVIDUALS, DOING BUSINESS AS THE PERFECT RECONDITION SPARK PLUG COMPANY, AND HARRY SANDERS, AN INDIVIDUAL DOING BUSINESS AS ACE AUTO SUPPLY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on

No. 116—2

Wednesday, June 22, 1938, at nine o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-1684; Filed, June 13, 1938;
1:42 p. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 263]

AMENDMENT OF PRIOR ALLOCATIONS OF FUNDS FOR LOANS

JUNE 13, 1938.

I hereby amend Administrative Order No. 249¹ by rescinding the \$35,000 allotted to Minnesota 8003A2 Meeker.

I hereby amend Administrative Order No. 128² by rescinding the \$145,000 allotted to Oklahoma 8002B Kay.

I hereby amend Administrative Order No. 134³ by rescinding the \$7,000 allotted to Oklahoma 8006AW Caddo.

I hereby amend Administrative Order No. 131⁴ by rescinding the \$15,000 allotted to Oklahoma 8010W Cleveland.

I hereby amend Administrative Order No. 131⁴ by rescinding the \$30,000 allotted to Oklahoma 8014W Love.

JOHN M. CARMODY,
Administrator.

[F. R. Doc. 38-1686; Filed, June 14, 1938;
9:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the
Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14 day of June, A. D. 1938.

[File No. 43-128]

IN THE MATTER OF EMPIRE SOUTHERN SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on June 24, 1938, at 10 o'clock in the forenoon of that day, at

¹ 3 F. R. 1161 (DI).
² 2 F. R. 2091 (DI).
³ 2 F. R. 2145 (DI).
⁴ 2 F. R. 2119 (DI).

the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 21, 1938.

The matter concerned herewith is in regard to a declaration pursuant to section 7 for the issuance of a note by the declarant in the face amount of \$701,817.31 payable June 30, 1940 with interest at 6 per cent to Crescent Public Service Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1691; Filed, June 14, 1938;
12:47 p. m.]

United States of America—Before the
Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14 day of June, A. D. 1938.

[File No. 43-129]

IN THE MATTER OF LOUISIANA ICE & ELECTRIC COMPANY, INC.

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on June 24, 1938, at 2 o'clock in the afternoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 21, 1938.

The matter concerned herewith is in regard to a declaration pursuant to section 7 for the issuance of the following serial collateral notes payable to City National Bank and Trust Company of Chicago, Illinois, or order:

Maximum principal amount	Date of issue	Date of maturity	Annual interest rate
\$70,000	Dec. 30, 1938	Dec. 30, 1939	Percent 13
\$70,000	do	Dec. 30, 1940	13½
\$70,000	do	Dec. 30, 1941	14
\$70,000	do	Dec. 30, 1942	14½
\$70,000	do	Dec. 30, 1943	15

† Payable semiannually.

These serial collateral notes are to be secured by a mortgage note which will in turn be secured by a mortgage upon certain of the operating properties of

the declarant. Such mortgage note is to be dated June 1, 1938 and is to mature June 1, 1948 with interest at 5 per cent payable semi-annually, but the declarant is to be exonerated from such interest payments if and so long as no default exists under any of the serial collateral notes. The proceeds of such notes are to be used by the declarant to defray in part the estimated cost of installing certain generating equipment in the plant of the declarant located at Bunkie, Louisiana.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1692; Filed, June 14, 1938;
12:47 p. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14 day of June, A. D. 1938.

[File No. 46-101]

**IN THE MATTER OF CRESCENT PUBLIC
SERVICE COMPANY**

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 9 (c) (3) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party:

It is ordered, That a hearing on such matter be held on June 24, 1938, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-

room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 21, 1938.

The matter concerned herewith is in regard to an application pursuant to section 9 (c) (3) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 9 (a) (1) for the acquisition by Crescent Public Service Company of a note to be issued by Empire Southern Service Company (a wholly owned subsidiary of the applicant) in the principal amount of \$701,817.31 payable June 30, 1940 with interest at 6 per cent.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-1693; Filed, June 14, 1938;
12:47 p. m.]